

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
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-v.- :
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MAURICE MALIN, :
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Defendant. :
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DOC #:
DATE FILED: 1/29/18

PRELIMINARY ORDER OF
FORFEITURE AS TO
SUBSTITUTE ASSETSS

16 Cr. 780 (KMW)

WHEREAS, on or about November 23, 2016, MAURICE MALIN (the "Defendant"), was charged in a one-count Information, 16 Cr. 780 (KMW) (the "Information"), with conspiring to distribute and to possess with the intent to distribute Butalbital, in violation of Title 21, United States Code, Sections 846 and 841 (b)(1) (E) (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, pursuant to Title 21, United States Code, Section 853, seeking the forfeiture of any and all property, constituting or derived from any proceeds the Defendant obtained directly or indirectly as a result of the offense charged in Count One of the Information and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense charged in Count One of the Information;

WHEREAS, on or about September 6, 2017, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 21, United States Code, Section 853: (i) a sum of money equal to \$9,000,000 in United States currency representing the amount of proceeds traceable to the

commission of the offense charged in Count One of the Information, and (ii) all right, title and interest of the Defendant in the following:

- a) any and all funds on deposit in Chase account number 000000610183977, held in the name of Urban Chemists, Inc;
- b) any and all funds on deposit in Chase account number 736869918, held in the names of Maurice Malin or Andrew Malin;
- c) any and all funds on deposit in Chase account number 633022236, held in the name of Pharmacade Pharmacy Inc, d/b/a Private Aid Products;
- d) any and all funds on deposit in Bank of America account number 483047353892, held in the name of Urban Chemists, Inc, d/b/a PHP Billing;
- e) any and all funds on deposit in First Niagara Bank account number 7900887675, held in the name of Pharmacade Pharmacy Inc, d/b/a Private Aid Products;
- f) any and all funds on deposit in First Niagara Bank account number 7900887709, held in the name of Pharmacade Pharmacy Inc, d/b/a Mega RX Supplements;
- g) any and all funds on deposit in First Niagara Bank account number 7900887782, held in the name of Pharmacade Pharmacy Inc;
- h) any and all funds on deposit in First Niagara Bank account number 7901204904, held in the name of Pharmacade Pharmacy Inc;
- i) any and all funds on deposit in First Niagara Bank account number 094630496, held in the name of Maurice Malin;
- j) any and all funds on deposit in First Niagara Bank account number 94630402, held in the name of Maurice Malin;
- k) any and all funds on deposit in Ponce De Leon Bank account number 0191000058;
- l) any and all funds on deposit in Ponce De Leon Bank account number 0191004894;
- m) any and all funds on deposit in Ponce De Leon Bank account number 0191002609, held in the name of Point Pharmacy, LLC;
- n) any and all funds on deposit in Scott Trade account number 53665134, held in the name of Maurice Malin;

- o) all right, title, and interest in the real property and appurtenances located at 239 Beach City Road, Unit 1224, Hilton Head, South Carolina, with all improvements, attachments, and easements thereon;
- p) all right, title, and interest in the real property and appurtenances located at 239 Beach City Road, Unit 337, Hilton Head, South Carolina, with all improvements, attachments, and easements thereon;
- q) all right, title, and interest in the real property and appurtenances located at 141 Lamotte Drive, Unit F-1, Hilton Head, South Carolina, with all improvements, attachments, and easements thereon; and
- r) all right, title, and interest in the real property and appurtenances located at 141 Lamotte Drive, Unit C-1, Hilton Head, South Carolina, with all improvements, attachments, and easements thereon;

((a) through (r) collectively, the “Specific Property”);

WHEREAS, on or about September 19, 2017, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment directing the entry of a money judgment in the amount of \$9,000,000 in United States currency (the “Money Judgment”) and Specific Property forfeited;

WHEREAS, the entire Money Judgment against the Defendant remains unpaid;

WHEREAS, as a result of acts and omissions of the Defendant, the Government, despite its exercise of due diligence, has been unable to locate or obtain the remaining proceeds of the offenses charged in Count One of the Information;

WHEREAS, the Government has identified the following Substitute Assets in which the Defendant has an ownership interest:

- a. any and all funds on deposit in Charles Schwab & Co. account number 1167-1878, held in the name of Maurice Malin;
- b. any and all funds on deposit in Charles Schwab & Co. account number 5329-8433, held in the name of Maurice Malin;

- c. any and all funds on deposit in Charles Schwab & Co. account number 5618-1650, held in the name of Maurice Malin;
- d. any and all funds on deposit in Vanguard Group, Inc. account number 0540-88003835414, held in the name of Maurice Malin;
- e. any and all funds on deposit in Vanguard Group, Inc. account number 0540-88036033568, held in the name of Maurice Malin;
- f. all right, title, and interest in the real property and appurtenances located at 1945 McGraw Ave, Unit 3D, Bronx, New York, with all improvements, attachments, and easements thereon;
- g. all right, title, and interest in the real property and appurtenances located at 1590 Metropolitan Ave, Unit 3G, Bronx, New York, with all improvements, attachments, and easements thereon;

((a) though (g) collectively, the "Substitute Assets");

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the Defendant's right, title, and interest in the Substitute Assets are hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

2. The Substitute Assets shall be applied in partial satisfaction of the Money Judgment entered against the Defendant.

3. Upon entry of this Preliminary Order of Forfeiture as to Substitute Assets, the United States Marshals Service or its designee, shall be authorized to seize the Substitute Assets and hold the Substitute Assets in its secure custody.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet

forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture as to Substitute Assets. Any person, other than the Defendant in this case, claiming an interest in the Substitute Assets must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Assets, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the Substitute Assets and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the Defendant, known to have an alleged interest in the Substitute Assets, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Assets, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture of Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

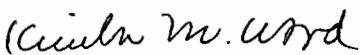
9. Pursuant to Federal Rule of Criminal Procedure Rule 32.2(b)(3), upon entry of this Preliminary Order of Forfeiture of Substitute Assets, the United States Attorney's Office is

authorized to conduct any discovery needed to identify, locate or dispose of the property subject to forfeiture, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

10. The Clerk of the Court shall forward four certified copies of this Preliminary Order of Forfeiture of Substitute Assets to Assistant United States Attorney Alexander J. Wilson, Chief, Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York, 10007.

Dated: New York, New York
January 29, 2018

SO ORDERED:



HONORABLE KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE